

## Nevada Division of Environmental Protection

### **FACT SHEET** (pursuant to NAC 445A.236)

#### **Permit Name:**

General Permit for Stormwater Discharges Associated with Industrial Activity

#### **Permit Number:**

NVR050000. (This permit replaces expired general permit GNV0022233)

#### **Location:**

Currently, there are approximately 370 separate Industrial Facilities permitted statewide.

#### **Background:**

Since the passage of the Clean Water Act (CWA), the quality of our Nation's waters has improved dramatically. Despite this progress, however, degraded water bodies still exist. According to the 1996 National Water Quality Inventory (Inventory), a biennial summary of State surveys of water quality, approximately 40 percent of surveyed U.S. water bodies are still impaired by pollution and do not meet water quality standards. A leading source of this impairment is polluted runoff. In fact, according to the Inventory, 13 percent of impaired rivers, 21 percent of impaired lakes and 45 percent of impaired estuaries are affected by urban/suburban stormwater runoff and 6 percent of impaired rivers, 11 percent of impaired lakes and 11 percent of impaired estuaries are affected by construction site discharges. Phase I of the U.S. Environmental Protection Agency's (EPA) stormwater program was promulgated in 1990 under the CWA. Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address stormwater runoff from:

- (1) "Medium" and "large" municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, and
- (2) Eleven categories of industrial activity as defined by 40 CFR 122.26.

Activities that take place at industrial facilities, such as material handling and storage, are often exposed to stormwater. The runoff from these activities discharges industrial pollutants into nearby storm sewer systems and water bodies. This may adversely impact water quality.

To limit pollutants in stormwater discharges from industrial facilities, the NPDES Phase I Stormwater Program includes an industrial stormwater permitting component. Operators of industrial facilities included in one of the 11 categories of "stormwater discharges associated with industrial activity" (40 CFR 122.26 (b)(14)(i)-(xi)) that discharge stormwater to a municipal separate storm sewer system (MS4) or directly to waters of the United States require authorization under a NPDES industrial stormwater permit. If an industrial facility has an applicable Standard Industrial Classification (SIC) code or meets the narrative description listed in the 11 categories, the facility operator must determine if the facility is eligible for coverage under a general or an individual NPDES industrial stormwater permit. In some cases, a facility operator may be eligible for a conditional/temporary exclusion from permitting requirements.

#### **Industrial Activity**

The following categories of industrial facilities are defined as "stormwater discharges associated with industrial activity" under federal regulations 40 CFR 122.26 (b)(14)(i) - (xi). Each category contains a list

of SIC codes and/or a narrative description of industrial facilities. Operators of industrial facilities or sites with activities included in one of these 11 categories must obtain coverage under an NPDES industrial stormwater permit, unless conditionally excluded.

The list provided below describes the types of industrial activities within each category.

Category One (i): Facilities with stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N\*

\* Certain facilities have stormwater effluent guidelines for at least one of their subcategories: cement manufacturing (40 CFR 411); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric power generation (40 CFR 423); coal mining (40 CFR 434); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); paving and roofing materials (40 CFR 443); and landfills (40 CFR 445). A facility that falls into one of these general categories is required to examine the applicable effluent guideline to determine if it is categorized in one of the subcategories that have storm water effluent guidelines. If a facility is classified as one of those subcategories, that facility is subject to the standards listed in the CFR for that category and must sample stormwater discharges in accordance with the permit conditions.

Category Two (ii): Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373

Category Three (iii): Mineral Industry\*\*

\*\* Mineral Industry Facilities defined within SIC code 10 (Metal Mining (metallic mineral/ores) under Category III of 40 CFR §122.26(b)(14) is required to obtain authorization for stormwater discharge under Permit NVR 300000.

Category Four (iv): Hazardous Waste

Category Five (v): Landfills

Category Six (vi): Recycling Facilities

Category Seven (vii): Steam Electric Plants

Category Eight (viii): Transportation Facilities

Category Nine (ix): Treatment

Category Ten (x): Construction \*\*\*

\*\*\* Although Category Ten (x), Construction Activity, is included in the definition of "stormwater discharges associated with industrial activity," construction activities require construction stormwater permits (Permit NVR 100000), not industrial stormwater permits, under the NPDES Stormwater Program.

Category Eleven (xi): Light Industry

In Nevada, there are currently over 82,000 businesses of record. Of those businesses, approximately 370 are currently permitted under the Industrial General permit, GNV0022233. After applying the Stormwater rule criteria to Nevada's businesses, the estimated number of facilities will require a permit are between 1000 and 2000 facilities. Given this information, the Nevada Division of Environmental Protection (NDEP) has already implemented several changes to the program to bring the program into substantial compliance with the EPA rule.

## **No Exposure - Waiver**

As revised in the Phase II Final Rule, the conditional no exposure exclusion applies to ALL industrial categories listed in the 1990 stormwater regulations, except for construction activities disturbing 5 or more acres (Category Ten (x)).

The intent of the no exposure provision is to provide facilities with industrial materials and activities that are entirely sheltered from stormwater a simplified way of complying with the stormwater permitting provisions of the Clean Water Act (CWA). This includes facilities that are located within a larger office building, or facilities at which the only items permanently exposed to precipitation are roofs, parking lots, vegetated areas, and other non-industrial areas or activities. The Phase II regulatory definition of “no exposure” follows.

*No exposure* means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.

Under the Phase II Final Rule, the no exposure exclusion is conditional and not an outright exemption. Therefore, if there is a change in circumstances that causes exposure of industrial activities or materials to stormwater, the operator is required to comply immediately with all the requirements of the NPDES Stormwater Program, including applying for and obtaining a permit. Failure to maintain the condition of no exposure or obtain coverage under an NPDES stormwater permit can lead to the unauthorized discharge of pollutants to waters of the United States, resulting in penalties under the CWA. Where a facility operator determines that exposure is likely to occur in the future due to some anticipated change at the facility, the operator should submit an application and acquire stormwater permit coverage prior to the exposed discharge to avoid such penalties. To apply for a “No Exposure” exclusion, an applicant would be required to submit the EPA document (NPDES FORM 3510-11) to Carson City NDEP Stormwater program office.

### **Receiving Water Characteristics:**

Variable depending on location

### **Permit Requirements:**

This permit is in response to requirements of the Federal Clean Water Act and implementing federal regulations, and is based on Best Management Practices (BMPs) such as education, diversion, detention, covered storage, spill response, and good housekeeping. The facility selects the BMPs subject to Division approval. This is a continuation of a program begun in 1993 under the previous general permit, GNV0022233. Like the previous permit, this permit authorizes certain Stormwater Discharges Associated with Industrial Activity to Waters of the U.S.

### **Rationale for Permit Requirements:**

The conditions set in permit language are the minimum requirements to maintain and implement an effective stormwater program within the confines of U. S. EPA published rules (Title 40 of the Code of Federal Regulations Part 122) for use in stormwater permits

**Prepared by:** Clifford M. Lawson  
Staff II Associate Engineer  
December 31, 2002